

## **Chapter 8**

### **Veterans' Affairs**

#### **71-8-1 Definitions.**

As used in this title:

- (1) "Contractor" means a person who is or may be awarded a government entity contract.
- (2) "Council" means the Veterans' Advisory Council.
- (3) "Department" means the Department of Veterans' and Military Affairs.
- (4) "Executive director" means the executive director of the Department of Veterans' and Military Affairs.
- (5) "Government entity" means the state and any county, municipality, local district, special service district, and any other political subdivision or administrative unit of the state, including state institutions of education.
- (6) "Specialist" means a full-time employee of a government entity who is tasked with responding to, and assisting, veterans who are employed by the entity or come to the entity for assistance.
- (7) "Veteran" has the same meaning as defined in Section 68-3-12.5.

Amended by Chapter 141, 2015 General Session

#### **71-8-2 Department of Veterans' and Military Affairs created -- Appointment of executive director -- Department responsibilities.**

- (1) There is created the Department of Veterans' and Military Affairs.
- (2) The governor shall appoint an executive director for the department, after consultation with the Veterans' Advisory Council, who is subject to Senate confirmation.
  - (a) The executive director shall be an individual who:
    - (i) has served on active duty in the armed forces for more than 180 consecutive days;
    - (ii) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; or
    - (iii) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and
    - (iv) was separated or retired under honorable conditions.
  - (b) Any veteran or veteran's group may submit names to the council for consideration.
- (3) The department shall:
  - (a) conduct and supervise all veteran activities as provided in this title;
  - (b) determine which campaign or combat theater awards are eligible for a special group license plate in accordance with Section 41-1a-418;
  - (c) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it;
  - (d) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies; and
  - (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title.
- (4) Nothing in this chapter shall be construed as altering or preempting the provisions of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

Amended by Chapter 68, 2016 General Session

Amended by Chapter 230, 2016 General Session

Amended by Chapter 252, 2016 General Session

**71-8-3 Duties of executive director -- Services to veterans.**

The executive director shall:

- (1) be responsible for the administration and the operation or support of the following veteran-related operations:
  - (a) Utah State Veterans' Nursing Homes and Programs;
  - (b) Utah State Veterans' Cemetery and Memorial Park;
  - (c) Title 71, Chapter 10, Veteran's Preference;
  - (d) any locally or federally funded programs for homeless veterans within the state; and
  - (e) any federally funded education services for veterans within the state;
- (2) maintain liaison with local, state, and federal veterans' agencies and with Utah veterans' organizations;
- (3) provide current information so that veterans, their surviving spouses and family members, and Utah veterans' organizations will be aware of benefits to which they are, or may become, entitled;
- (4) reach out and assist veterans and their families in applying for benefits and services;
- (5) develop and maintain a system for determining how many veterans are employed by the various government entities within the state and keeping track of them;
- (6) cooperate with other state entities in the receipt of information to create and maintain a record of veterans in Utah;
- (7) create and administer a veterans' assistance registry, with recommendations from the council, that will provide contact information to the qualified donors of materials and labor for certain qualified recipients;
- (8) prepare an annual report for presentation not later than November 30 of each year to the Government Operations Interim Committee, which includes:
  - (a) all services provided to veterans;
  - (b) all services provided by third parties through the Veterans' Assistance Registry; and
  - (c) the coordination of veterans' services by government entities with the department;
- (9) advise the governor on matters pertaining to military affairs throughout Utah, including active duty servicemembers, reserve duty servicemembers, and veterans;
- (10) identify military-related issues, challenges, and opportunities, and develop plans for addressing them;
- (11) develop, coordinate, and maintain relationships with military leaders of Utah military installations, including the Utah National Guard;
- (12) develop, coordinate, and maintain relationships with Utah's congressional delegation and military staffers;
- (13) develop and maintain relationships with military-related organizations in Utah;
- (14) conduct forums and meetings with stakeholders to identify military issues and challenges and to develop solutions to them; and
- (15) perform other related duties as requested by the governor.

Amended by Chapter 91, 2014 General Session

**71-8-4 Veterans' Advisory Council -- Membership -- Duties and responsibilities -- Per diem and travel expenses.**

- (1) There is created a Veterans' Advisory Council whose purpose is to advise the executive director of the Department of Veterans' and Military Affairs on issues relating to veterans.

- (2) The council shall consist of the following 14 members:
  - (a) 11 voting members to serve four-year terms:
    - (i) seven veterans at large appointed by the governor;
    - (ii) the commander or the commander's designee, whose terms shall last for as long as they hold that office, from each of the following organizations:
      - (A) Veterans of Foreign Wars;
      - (B) American Legion; and
      - (C) Disabled American Veterans; and
    - (iii) a representative from the Office of the Governor; and
  - (b) three nonvoting members:
    - (i) the executive director of the Department of Veterans' and Military Affairs;
    - (ii) the director of the VA Health Care System or his designee; and
    - (iii) the director of the VA Benefits Administration Regional Office in Salt Lake City, or his designee.
- (3)
  - (a) Except as required by Subsection (3)(b), as terms of current council members expire, the governor shall appoint each new or reappointed member to a four-year term commencing on July 1.
  - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the members appointed by the governor are appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term within 60 days of receiving notice.
- (5) Members appointed by the governor may not serve more than three consecutive terms.
- (6)
  - (a) Any veterans' group or veteran may provide the executive director with a list of recommendations for members on the council.
  - (b) The executive director shall provide the governor with the list of recommendations for members to be appointed to the council.
  - (c) The governor shall make final appointments to the council by June 30 of any year in which appointments are to be made under this chapter.
- (7) The council shall elect a chair and vice chair from among the council members every two years. The chair and vice chair shall each be an individual who:
  - (a) has served on active duty in the armed forces for more than 180 consecutive days;
  - (b) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; or
  - (c) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and
  - (d) was separated or retired under honorable conditions.
- (8)
  - (a) The council shall meet at least once every quarter.
  - (b) The executive director of the Department of Veterans' and Military Affairs may convene additional meetings, as necessary.
- (9) The department shall provide staff to the council.
- (10) Six voting members are a quorum for the transaction of business.
- (11) The council shall:
  - (a) solicit input concerning veterans issues from veterans' groups throughout the state;

- (b) report issues received to the executive director of the Department of Veterans' and Military Affairs and make recommendations concerning them;
- (c) keep abreast of federal developments that affect veterans locally and advise the executive director of them;
- (d) approve, by a majority vote, the use of money generated from veterans' license plates under Section 41-1a-422 for veterans' programs; and
- (e) assist the director in developing guidelines and qualifications for:
  - (i) participation by donors and recipients in the Veterans' Assistance Registry created in Section 71-12-101; and
  - (ii) developing a process for providing contact information between qualified donors and recipients.
- (12) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 230, 2016 General Session

#### **71-8-5 Veterans' services coordinator qualifications -- Duties.**

- (1) The veterans' services coordinator shall:
  - (a) be an individual who:
    - (i) has served on active duty in the armed forces for more than 180 consecutive days;
    - (ii) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; or
    - (iii) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and
    - (iv) was separated or retired under honorable conditions;
  - (b) have the education and experience in the use of computer technology, including databases, to collect, manage, and store information; and
  - (c) have some education and experience in public relations.
- (2) The veterans' services coordinator shall be responsible to:
  - (a) identify all government entities that provide services for veterans;
  - (b) develop a process for coordination of veterans' services across all government entities; and
  - (c) develop and provide training for veterans' affairs specialists on the coordination of veterans' services with the department.

Amended by Chapter 230, 2016 General Session

#### **71-8-6 Government entity participation.**

- (1) This section applies to:
  - (a) the Department of Human Services;
  - (b) the institutions of higher education listed in Section 53B-1-102;
  - (c) the Division of Professional and Occupational Licensing;
  - (d) the Department of Public Safety;
  - (e) the Department of Workforce Services; and
  - (f) the Department of Health.
- (2) Each entity in Subsection (1) shall:

- (a) assign a full-time employee, who preferably shall be a veteran, as a veterans' services specialist as part of their duties to coordinate the provision of veterans' services with the department; and
  - (b) provide the department with nonprotected or nonprivate information about services provided to veterans.
- (3) Each entity shall post on the entity's website:
- (a) all services available for veterans from the entity and the contact information for the veterans' services specialist; and
  - (b) a link to the department with the contact information for the veterans' services coordinator.

Enacted by Chapter 308, 2013 General Session

**71-8-7 Government entity veterans' affairs specialist -- Duties -- Training.**

- (1) Each government entity listed in Section 71-8-6 shall appoint or designate a full-time employee as a veterans' affairs specialist.
- (2) The veterans' affairs specialist shall:
- (a) coordinate the provision of veterans' services by the government entity with the department; and
  - (b) attend annual training by the department on coordination processes including providing nonprotected or nonprivate information to the department.

Enacted by Chapter 308, 2013 General Session

**71-8-8 Entity that provides no services -- Referral to department.**

A government entity that does not provide services to veterans shall, upon a request for services by a veteran, direct the veteran to contact the department, and provide the veteran with the department contact information.

Enacted by Chapter 308, 2013 General Session